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November 18, 2022

The Honorable John P. Cronan
United States District Court
Southern District of New York
500 Pearl Street, Room 1320
New York, NY 10007

Re: *Lupin Ltd. v. Salix Pharmaceuticals, Inc., et al.*, Case No. 1:22-cv-07656 (JPC)

Dear Judge Cronan:

We represent Plaintiff Lupin Ltd. (“Lupin” or “Plaintiff”) in connection with the above-referenced action. Pursuant to Federal Rule of Civil Procedure 15(a)(1), concurrently with the filing of this letter, Lupin is filing an Amended Complaint as a matter of course. In connection with filing this Amended Complaint, we write to alert the Court of the sealing of certain portions of the Amended Complaint and certain accompanying exhibits consistent with the Court’s September 22, 2022 Order (ECF No. 19). Additionally, and pursuant to Rule 3B of Your Honor’s Individual Rules of Practice, we respectfully request an adjournment of Plaintiff’s deadline to file an opposition to Defendants’ pending motion to dismiss (ECF Nos. 25-26).

On September 22, 2022, the Court granted Plaintiff’s unopposed letter motion seeking to (1) file its original Complaint in redacted form, and (2) redact Exhibits A, B, C, D, E, H, I, and L to the Complaint (ECF No. 19). Consistent with the Court’s Order, Lupin is filing a public version of its Amended Complaint and exhibits that include proposed redactions. These redactions are consistent with the redactions contained in Lupin’s original Complaint and related exhibits, which Lupin was previously given leave to redact.¹ Plaintiff does not otherwise seek to seal any additional portions of its Amended Complaint or the accompanying exhibits for which it was not previously granted permission to seal.

Separately, on October 24, 2022, a briefing scheduling for Defendants’ motion to dismiss was set as follows: Defendants’ motion papers were due by October 28, 2022, Plaintiff’s

¹ Exhibit A to the Complaint remains Exhibit A to the Amended Complaint; Exhibit B to the Complaint remains Exhibit B to the Amended Complaint; Exhibit C to the Complaint remains Exhibit C to the Amended Complaint; Exhibit D to the Complaint remains Exhibit D to the Amended Complaint; Exhibit E to the Complaint is now Exhibit K to the Amended Complaint; Exhibit H to the Complaint remains Exhibit H to the Amended Complaint; Exhibit I to the Complaint is now Exhibit R to the Amended Complaint; and Exhibit L to the Complaint is now Exhibit T to the Amended Complaint.

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opposition papers are due by November 22, 2022, and Defendants' reply papers, if any, are due by December 7, 2022. (ECF No. 24).

Given the filing of Plaintiff's Amended Complaint, Plaintiff seeks an adjournment *sine die* of its deadline to respond to Defendants' motion to dismiss, until Plaintiff learns whether Defendants intend to file a new motion to dismiss. Pursuant to Rule 6(A) of Your Honor's Individual Rules and Practices, "defendant[s] must file a letter with the Court within one week of the amendment, describing whether the defendant[s] seek[] to refile the motion as to the amended complaint" ("Defendants' Rule 6 Letter"). Accordingly, such letter is due by November 28, 2022. Because Plaintiff does not yet know whether Defendants will seek to refile their motion to dismiss as to the Amended Complaint, Plaintiff seeks an adjournment of its time to file its opposition brief (ECF Nos. 25-26).

Plaintiff requests an opportunity to confer with Defendants regarding a new proposed briefing schedule, if appropriate, following the filing of Defendants' Rule 6(A) Letter. Plaintiff requests that any proposed schedule be jointly filed no later than two weeks after Defendants' filing, or December 12, 2022. This is Plaintiff's first request for an adjournment of the deadline for its opposition to Defendants' motion to dismiss.

Respectfully,

/s/ Devora W. Allon

Devora W. Allon, P.C.

The request is granted. Plaintiff's Amended Complaint may remain under seal in part. Plaintiff's deadline to oppose Defendants' motion to dismiss is adjourned *sine die*. By November 28, 2022, the parties shall meet and confer and submit a joint status letter indicating whether Defendants intend to file a new motion to dismiss, and if so, a proposed briefing schedule. Defendants should specify any new bases for their new motion to dismiss. Plaintiff is reminded to indicate whether opposing counsel consents for any future requests for extensions or adjournments, pursuant to Rule 3.B of the Court's Individual Rules and Practices in Civil Cases.

SO ORDERED.

November 21, 2022
New York, New York



JOHN P. CRONAN
United States District Judge